

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

JANVIER CARMONA-RIVERA,

Defendant.

Crim. No. 18-272 (ADC)

ORDER

The government's motion to reconsider, **ECF No. 29**, is **GRANTED**. Defendant has failed to sustain his burden to warrant a hearing pursuant to *Franks v. Delaware*, 438 U.S. 154 (1978). **ECF No. 17**. Defendant has submitted nothing more than a conclusory attack to the underlying search warrant affidavit, asserting that the attesting officer could not have seen defendant during his surveillance of defendant's home because defendant was not home at the relevant times. Defendant has not submitted a copy of the warrant affidavit—translated or otherwise—and he appends no offer of proof to substantiate his claim. This is insufficient under *Franks*. See 438 U.S. at 171. Accordingly, the motion to reconsider, **ECF No. 29**, is **GRANTED**, and the motion to suppress, **ECF No. 17**, is **DENIED**.

SO ORDERED.

At San Juan, Puerto Rico, on this 20th day of February, 2019.

S/AIDA M. DELGADO-COLÓN
United States District Judge